



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 38] नई दिल्ली, शुक्रवार, अगस्त 12, 1988/श्रावण 21 1910
No. 38] NEW DELHI, FRIDAY, AUGUST 12, 1988/SRAVANA 21, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the
12th August, 1988:—

I

BILL No. XXIX OF 1988

*A Bill to provide for the taking over of management of the undertakings of
the Banking Companies specified in the Schedule for a limited period
with a view to securing their proper management so as to subserve
the public interest and for matters connected therewith or incidental
thereto.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic
of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Banking Companies (Taking Over of
Management) Act, 1988. Short
title.

2 In this Act, unless the context otherwise requires,—

(a) "Banking Companies" means the Companies specified in the
Schedule; Defini-
tions.

(b) "notified order" means an order notified in the Official Gazette;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "Schedule" means the Schedule to this Act;

(e) "Undertakings" means the property and assets of the Banking Companies specified in the Schedule;

(f) Words and expressions used but not defined in this Act and defined in the Banking Regulation Act, 1949 and the Companies Act, 1956, shall have the meanings, respectively assigned to them in those Acts.

10 of 1949.

1 of 1956.

CHAPTER II

THE TAKING OVER OF THE MANAGEMENT OF THE BANKING COMPANIES

Appoint-
ment of
Boards of
Control
to take
over
manage-
ment of
the Bank-
ing Com-
panies.

3. (1) The Central Government may, by notified order, appoint such number of Boards of control, as it may think fit, to take over the management of the undertakings of Banking Companies specified in the Schedule.

(2) Every Board of Control shall consist of a Chairman and such number of other members not exceeding ten, as the Central Government may think fit.

(3) The term of office of, the procedure to be followed by, and the manner of filling vacancies among, the Chairman and the members of the Boards of Control, shall be such as may be prescribed.

(4) The Salary, allowances and other conditions of service of the Chairman and the members of the Boards of Control shall be such as may be determined by the Central Government.

(5) Every notified order issued under sub-section (1) shall remain in force for such period not exceeding five years as may be specified in the order:

Provided that if the Central Government is of opinion that in order to secure the proper management of the Banking Companies, it is expedient that any such notified order should continue in force after the expiry of the period of five years as aforesaid, it may, from time to time, issue notifications for its continuance for such periods, not exceeding two years at a time, as may be specified in the notification, but no such notified order shall in any case remain in force for more than a total period of fifteen years and where such notification is issued, a copy thereof shall be laid, as soon as may be, before each House of Parliament.

Effect of
notified
order.

4. (1) On the issue of a notified order under section 3,—

(a) all persons in-charge of management including persons holding offices as Directors or Managers or any other managerial personnel of the Company, immediately before the issue of the notified order shall be deemed to have vacated their offices as such;

(b) any contract of management between the Banking Companies and any Managing Agent or any Director or any other managerial personnel thereof holding such office immediately before the issue of the notified order, shall be deemed to have been terminated;

(c) as from the date of the notified order, all the properties, assets and effects of the Banking Companies shall be deemed to be in the custody of the Boards of Control who shall, as soon as may be after such date, take all such steps as may be necessary to take into possession or control all such properties, assets and effects and all actionable claims to which the Banking Companies are, or appear to be, entitled.

(2) Subject to the provisions of this Act, the Boards of Control shall take such steps as may be necessary for the purpose of efficiently managing the business of the Banking Companies and shall exercise such other powers and have such other duties as may be prescribed.

CHAPTER III

MISCELLANEOUS

5. (1) Where a notified order has been made under sub-section (1) of section 3 in relation to the Banking Companies, every person having possession, custody or control of any property of the Banking Companies shall deliver the property to the respective Board of Control or to such person or persons as may be authorised by the Board in this behalf.

Duty to deliver possession of property and documents relating thereto.

(2) The Central Government may take all necessary steps for securing possession of all the assets and properties of the Banking Companies.

6. Every Banking Company shall, within ten days from the date of commencement of this Act or within such further period as the Central Government may allow in this behalf, furnish to the respective Board of Control a complete inventory of all their properties and assets as existing at the time of commencement of this Act.

Duty to furnish particulars.

7. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Boards of Control for anything which is in good faith done, or intended to be done, under this Act.

Protection of action taken in good faith.

8. The provisions of this Act or any order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any other law.

Act to have overriding effect.

9. All salaries, allowances and other remuneration paid to the Chairman and other members of the Boards of Control and all other expenses duly incurred in connection with such management, shall be paid out of the funds of the Banking Companies.

Payment of remuneration and expenses out of funds of Banking Companies.

10. Notwithstanding anything contained in the foregoing provisions of this Act, the Central Government may give such directions to the Boards of Control, as it may think fit, for proper management of the Banking Companies and the Boards of Control shall comply with such directions.

Power of Central Government to give directions.

Power to
make
rules.

11. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act and shall cause them to be laid, as soon as may be, before each House of Parliament.

Power to
remove
difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

SCHEDULE

[See section 3(1)]

1. Jammu and Kashmir Bank, Srinagar
2. Bank of Rajasthan, Udaipur
3. Federal Bank, Alwaye
4. Vysya Bank, Bangalore
5. South Indian Bank, Trichur
6. Karnataka Bank, Mangalore
7. United Western Bank, Satara City
8. Catholic Syrian Bank, Trichur
9. United Industrial Bank, Calcutta
10. Sangli Bank, Sangli
11. Tamilnadu Mercantile Bank, Tuticorin
12. Karur Vysya Bank, Karur
13. Benaras State Bank, Varanasi
14. Barath Overseas Bank
15. VILAS
16. Bank of Cochin, Ernakulam
17. Bareilly Corporation (Bank), Bareilly
18. Nedungadi Bank, Kozhikode
19. Tanjore Permanent Bank, Tanjore
20. DNACL
21. Naini Tal Bank, Naini Tal
22. Kumbakonam City Union Bank, Kumbakonam
23. Traders' Bank, New Delhi
24. Parur Central Bank, Parur
25. KRISHN
26. Ratnakar Bank, Kolhapur
27. PRUBK
28. KASRI
29. Miraj State Bank, Miraj

STATEMENT OF OBJECTS AND REASONS

Since there has been complaints of mismanagement and corruption against the authorities of Private Banks and there has been cases of violation of the directives of the Reserve Bank by these Private Banks and instances of Banking Laws being violated, there is growing feeling that the interests of the depositors will not be safe if these banks are run by private bankers.

Hence this Bill.

GURUDAS DAS GUPTA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill authorises the Central Government to make rules for carrying out the purposes of the Bill. These are matters of detail and as such the delegation of legislative power is of a normal character.

II

BILL No. XXX OF 1988

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1988.

Insertion
of new
article
16A.

2. After article 16 of the Constitution, the following new article shall be inserted, namely:—

Right to
work.

“16A. All adult citizens shall have the right to work, that is to say, the right to guaranteed employment and payment for their work in accordance with its quantity and quality, so as to ensure them adequate means of livelihood.”

STATEMENT OF OBJECTS AND REASONS

Democracy without universal facility for education followed by total guarantee for employment is a farce. Any talk of liberty, freedom and democracy is an insult to those who do not have an opportunity to get employment after their education. Unemployment is increasing day by day in our country. The number of registered unemployed persons is almost three crores. Besides, there are crores of people who have not registered their names in the employment exchanges. This is causing erosion of moral values and frustration among the youth of our country. Government is not serious in taking effective measures to provide jobs to all unemployed. Though the Right to work is mentioned in the Directive Principles, it remains outside the purview of the courts of law. If the Right to Work is made a Fundamental Right the person seeking employment unsuccessfully can seek the help of the courts of law to force the Government in providing job to him. Right to work as a Fundamental Right will give a new direction and responsibility to the Government to take all necessary measures to guarantee employment to the people. If the Government fails to provide employment, there should be a provision for adequate compensation.

Hence this Bill.

GURUDAS DAS GUPTA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all adult citizens shall have the right to work and payment for their work in accordance with its quantity and quality so as to ensure them adequate means of livelihood. The Central Government and State Governments shall have to take steps to provide employment to adult citizens who remain unemployed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of Central Schemes and for providing of financial assistance to Union territories Governments. An annual recurring expenditure of about rupees two hundred crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crores is likely to be involved.

III

BILL No. XXXII of 1988

A Bill to provide for prohibition of the formation of religious, communal and sectoral political parties and senas.

WHEREAS it has been noted that a large number of religious and communal groups have been forming political parties and senas for the purpose of elections to the Houses of Parliament and to the State Legislatures and seeking allotment of symbols and seeking registration of the Senas as Associations and Societies giving rise to a situation where narrow religious, communal and sectoral considerations take the place of consideration for socio-economic policies;

AND WHEREAS such a situation is inconsistent with the principles of sovereign, socialist, secular, democratic Republic and unity and integrity of the nation as contemplated under the Preamble to the Constitution and the rich cultural secular heritage of our nation;

AND WHEREAS it is considered expedient in the interest of purity of elections to the Houses of Parliament and legislatures of various States and in the interest of elections to be held in a fair and efficient manner to prohibit the formation of religious and communal political parties and to eradicate the formation of senas by communal groups.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Religious, Communal and Sectoral Political Parties and Senas Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The political parties and Sena's based on a single religion or formed by a religious or communal body are hereby prohibited.

Short
title,
extent
and com-
mence-
ment.

Prohibi-
tion of
religious
or com-
munal
political
parties
and
Senas.

STATEMENT OF OBJECTS AND REASONS

Lately, a dangerous tendency has been growing among the people to organise themselves on religious, caste and communal lines and actively interfering in the political activities of the country for the narrow, partisan, religious and communal considerations of a particular religion or caste either directly or indirectly forming their own political wings, militant senas etc. This tendency will help only to sideline the most important Socio-economic problems of the people of our country. It has given rise to a number of communal riots, may be on the question of the location or origin of a particular temple, or a mosque or a church or on same religious processions, recently in different parts of the country creating communal tension and making the normal living miserable. Besides, the growth of such narrow tendencies is a grave threat to the very unity and integrity of the country and against the accepted principles of sovereignty, socialism, secularism and democracy in our constitution.

So there is urgent need to ban all the parties and militant senas formed on the basis of a single religion, caste or communal body and delink religion from politics.

Hence this Bill.

GURUDAS DAS GUPTA

IV

BILL No. XXXIII OF 1988

A Bill to provide for financial relief to widows.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Provision of Financial Relief to Widows Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act unless the context otherwise requires, “appropriate Government” means the Central Government in respect of Union Territories and the State Government in respect of States.

3. Every Widow having no independent and adequate means of livelihood shall on an application made in the prescribed form be paid rupees two Hundred Fifty per month as financial relief by the appropriate Government which shall be subject to alteration on the basis of cost of prevailing price index.

Short
title,
extent
and com-
mence-
ment.

Defini-
tion.

Financial
relief to
widows.

Social
Welfare
Boards to
disburse
Financial
relief.

4. The Financial relief referred to in Section 3 shall be disbursed to a widow by the appropriate Government through its Social Welfare Board.

Appropriation of
adequate
Funds at
the disposal of
Social
Boards.

5. The Appropriate Government shall, by due appropriation, place adequate funds at the disposal of the Social Welfare Board for granting the benefits under this Act.

Power to
make
rules.

6. The appropriate Government may make rules for carrying out the proposes of this Act and shall cause them to be laid before the Parliament and the State Legislature, as the case may be.

STATEMENT OF OBJECTS AND REASONS

There are lakhs of widows all over the country who are financially crippled. They have no independent or adequate means of livelihood and are in distress. Welfare of widows should be the country's prime concern. The Government should, therefore, come out in a big way to undertake social welfare measures for the widows. This Bill seeks to achieve this objective.

SATYA PRAKASH MALAVIYA

FINANCIAL MEMORANDUM

Clause 3 provides for grant of monthly financial relief of rupees two hundred and fifty to widows. Clause 5 of the Bill provides that the Central Government shall, by due appropriation place adequate funds at the disposal of the Social Welfare Board for granting financial relief to widows. Though precise number of widows claiming this relief is not known but their number will run into several lakhs. It is estimated that about rupees fifty crores per year will be needed for providing relief to helpless widows. No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 empowers the Central Government to make rules to carry out the purposes of this Act. The delegation of legislative power is of normal character.

BILL No. XXXV OF 1988

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short
title
and
extent.

1. (1) This Act may be called the Abolition of Begging Act, 1988.

(2) It extends to the whole of India.

Defini-
tions.

2. In this Act, unless the context otherwise requires, "begging" shall have the same meaning as assigned to it in clause (a) of sub-section (4), of section 363A of the Indian Penal Code.

Aboli-
tion of
begging.

3. Begging by any person in any manner is hereby abolished.

Punish-
ment for
forcing
others
into
begging.

4. Whoever forces another person into begging shall be punishable with imprisonment for five years.

5. Any shop or house where beggars are found shall be taken over by the Central Government and the owner of such shop or house shall be punishable with life imprisonment.

Punishment for running a shop or owning house of beggars.

6. (1) The Central Government shall establish in each district a rescue home for beggars with facilities for their rehabilitation.

Establishment of rescue homes for beggars.

(2) Any person found begging shall be taken into custody by the police and sent to the nearest rescue home.

7. The inmates of rescue homes shall be provided free education at all levels and, reservation in employment and allotment of houses.

Beggars to be provided free education and reservation in employment.

8. The Central Government shall lay a report in both Houses of Parliament every year on the implementation of this Act.

Report to be laid in Parliament.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make Rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government and the social organisations to help the down-trodden and the handicapped people, begging has not stopped in the country. The number of beggars has been increasing in big cities everyday. Sometimes, young boys and girls are forced by their own parents and sometimes poor people are forced by some other people to take to begging. Even after 40 years of Independence, the problem of begging is increasing day by day. It has, therefore, become necessary that legislation should be brought forward to prohibit begging and to provide for rehabilitation of beggars.

Hence, this Bill.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for establishment of rescue homes in each district by the Union Government or the State Government as the case may be, wherein beggars will be provided with facilities for their rehabilitation. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of rescue homes in respect of Union territories. As far as the establishment of rescue homes in the State are concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

VI

BILL No. XXXVII of 1988

A Bill to provide for the curtailment of expenditure on marriages and matters connected therewith.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Curtailment of Expenditure on Marriages Act, 1988.

Short
title
and
extent.

(2) It extends to the whole of India.

2. The Marriage of all the communities shall be solemnised in a simple ceremony before the head priest, by whatever name called, of the concerned community or religion, who shall certify the marriage in the presence of relatives and friends of the bride and bridegroom.

Marriages
to be sole-
mnised
before
head
priest.

3. There shall be no expenditure on decoration and marriage feasts in any manner whatsoever.

Prohibi-
tion of
expendi-
ture on
decora-
tion, etc

4. Any person who contravenes the provisions of section 2 or section 3 shall be punishable with imprisonment which shall extend upto five years and with fine and if the accused is a Government servant he shall be dismissed from service forthwith.

Punish-
ment.

STATEMENT OF OBJECTS AND REASONS

It has been found that the marriages of all the religious communities in India are celebrated with great pomp and show. Thousands of rupees are spent on decoration and marriage feast. In addition to this, cash and valuable items are exchanged. This has created great unrest among those people who have no money to spend lavishly. Such people are forced to adopt corrupt practices somehow to get huge sums of money. Corruption in administration and in all walks of life has, therefore, increased which is harmful to the progress of the Nation. It has been observed that even the marriage performed with high cost of expenditure results in bride burning and discontentment among the couple. The people have started bidding for their sons in marriages. There is, therefore, need to have a legislation to curtail expenditure on marriages so as to save the people from adopting corrupt practices.

Hence, this bill.

SURESH PACHOURI

VII

BILL NO. XXXVI OF 1988

A Bill to provide for ceiling on the wages of a family and for matters connected therewith.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Ceiling on Wages Act, 1988.

Short
title
and
extent

(2) It extends to the whole of India.

2. This Act shall apply to employees of the Central Government, Public Sector Undertakings or establishments or organisations under the control of the Central Government or Union Territory administrations or private sector

Applica-
tion of
the Act

3. In this Act, unless the context otherwise requires, "family" means husband, wife and minor children.

Definition

4. (1) Notwithstanding anything contained in any other law for the time being in force, the minimum and maximum wages of an employee or of his family shall be rupees one thousand and five hundred and rupees five thousand per month respectively

Ceiling on
Wages

(2) If the wages of family of an employee exceed rupees five thousand per month, the amount in excess of rupees five thousand shall be deposited by the head of the family in a nationalised bank, which shall be refunded to him on his attaining the age of superannuation or on cessation of his employment or to his legal heirs in case of his death.

Compul-
sory
savings
from
wages

5. (1) It shall be the duty of every employer to deduct every month ten per cent of wages, payable to an employee, as compulsory savings before the wages for that month are paid to him.

(2) The amount so collected shall be deposited in a nationalised bank and shall be returned to the employee with interest accrued thereon on his attaining the age of superannuation or on cessation of employment or to his legal heirs in case the employee dies while in service or for such other purposes as may be prescribed

Filing
of re-
turns by
employees

6. Every employee shall file a return every year with his employer, containing particulars about the wages earned by the members of his or her family.

Punish-
ment

7. (1) If any employer contravenes the provisions of sections 4 and 5, he shall be punishable with fine which may extend to rupees ten thousand.

(2) If any employee files a false return with his employer, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to rupees ten thousand or with both

Power
to
make
rules.

8. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In India there are at least 85 per cent people whose income is less than rupees one thousand and five hundred per month and rest are those whose income is unlimited, with the result that there is no economic and social equality. Some people cannot afford to meet the minimum expenses of their families and some others have a problem how to spend their money which they have far in excess of their needs. This disparity in income has created frustration among large number of people of the country. Therefore, it is necessary to have a legislation wherein minimum and maximum income of a family is fixed.

It has been proposed in this Bill, in the first instance, to provide for a ceiling on family income of employees of the Central Government, Public Undertakings and in the Private Sector. A provision is also proposed to be made for compulsory savings by such employees.

Hence, this Bill.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

SUDARSHAN AGARWAL,
Secretary-General.

